

**UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF FLORIDA
TAMPA DIVISION**

UNITED STATES OF AMERICA

v.

Case No.: 8:10-CR-537-T-24AEP

DANIEL G. DEVOE
_____ /

**ORDER GRANTING UNOPPOSED MOTION
TO STRIKE JUDGMENT**

Before this Court is Defendant DANIEL G. DEVOE's Unopposed Motion to Strike Property Bond Judgment Docketed in Error (Doc. 44). This Court, upon hearing arguments of the parties, hereby finds:

1. On December 12, 2010, the Defendant made his initial appearance in the Newark Division of the United States District Court of New Jersey and was released on a \$100,000.00 unsecured bond co-signed by his parents George and Josephine Devoe.

2. Subsequently, on July 7, 2011, the United States Clerks's Office of the Newark Division of the United District Court of New Jersey entered and recorded a \$100,000.00 judgment (Judgment Number RG-063567-000) in case number 10-MJ-6227 in the Newark Division of the United District Court of New Jersey.

3. Since Mr. Devoe was released on an unsecured bond and has complied with all of conditions of his bond, no lawful authority authorized the entry of nor the recording of a \$100,000.00 judgment against Mr. Devoe or his parents.

4. It is clear that this judgment was entered by the United States Clerk's Office in error and without lawful authority.

5. On January 7, 2011, jurisdiction of Mr. Devoe's case was transferred to this Court pursuant to Fed.R.Crim.P. 5(c)(2)(E). (Doc. 4)

6. Pursuant to Fed.R.Crim.P. 36, this Court has the lawful authority "at any time to correct a clerical error in a judgment, order, or other part of the record, or correct an error in the record arising from oversight or omission."

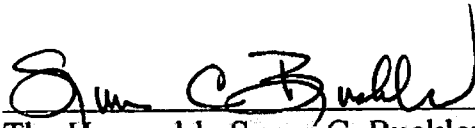
7. It is clear that the \$100,000.00 judgment (Judgment Number RG-063567-000) in case number 10-MJ-6227 was entered in this cause by clerical error and, as such, this Court has the lawful authority to correct this clerical error.

8. The Government has expressed its agreement with the Defendant that this \$100,000.00 judgment (Judgment Number RG-063567-000) in case number 10-MJ-6227 was entered in error.

WHEREFORE IT IS ORDERED AND ADJUDGED

That the United States District Court Clerk for the Newark Division of the United States District Court of New Jersey is hereby ORDERED to strike and remove from the official record the \$100,000.00 judgment (Judgement Number RG-063567-000) in case number 10-MJ-6227 entered against Mr. Devoe and his parents, George and Josephine Devoe.

DATED this 28th day of September, 2011.


The Honorable Susan C. Bucklew
United States District Court Judge